

# State of South Dakota

## EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

268Q0173

### HOUSE BILL NO. 1109

Introduced by: Representatives Engels, Blake, Burg, Cutler, Dennert, Elliott, Fargen, Feickert, Feinstein, Frerichs, Gibson, Iron Cloud III, Killer, Kirschman, Lange, Lucas, Lust, Noem, Peters, Schrempp, Sorenson, Street, Thompson, Vanderlinde, and Wismer and Senators Gant, Abdallah, Bradford, Heidepriem, Jerstad, Miles, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to eliminate the offices of county and township constables.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 7-13-1 be repealed.

4 ~~—7-13-1. The board of county commissioners may appoint constables who are registered~~  
5 ~~voters. The constables shall hold office at the pleasure of the board of county commissioners~~  
6 ~~for a term of two years, and until their successors are appointed and qualified. The board of~~  
7 ~~county commissioners may establish guidelines for the accountability of constables.~~

8 Section 2. That § 7-13-2 be repealed.

9 ~~—7-13-2. Such county constables shall have the same powers and jurisdiction throughout the~~  
10 ~~entire county as a township or other constable has within his district; such county constables~~  
11 ~~may serve process and make levies in the same manner and effect as the sheriff, and conduct~~  
12 ~~other official proceedings throughout the county in the same manner and effect as a township~~  
13 ~~or other constable within his district.~~



Section 3. That § 7-13-3 be repealed.

~~7-13-3. The board of county commissioners of each organized county having territory therein which is not organized into civil townships shall divide such territory into such number of districts, not exceeding eight, as it shall deem advisable, from each of which districts there may be appointed at the time specified in § 7-13-1, one constable who shall serve for a term of two years.~~

Section 4. That § 7-13-4 be repealed.

~~7-13-4. County constables may collect the same fees as are allowed sheriffs for like services. The constables shall keep a daily record of all moneys collected and file a copy of that record with the county auditor by the fifteenth day of the following month.~~

Section 5. That § 8-8-2 be repealed.

~~8-8-2. Any constable in any organized civil township containing any unincorporated town shall be a proper officer for arresting and detaining persons for disorderly conduct within such town arising from drunkenness or otherwise, without process first issuing.~~

Section 6. That § 8-8-3 be repealed.

~~8-8-3. Township constables shall be allowed the same fees as are allowed sheriffs for like services.~~

Section 7. That § 8-3-13 be amended to read as follows:

8-3-13. At each annual meeting, a clerk and a treasurer shall be elected, and a constable may be elected. ~~If a constable is elected, the term of office is two years, except to fill vacancies.~~

Section 8. That § 1-12-1 be amended to read as follows:

1-12-1. There is hereby created a State Constabulary which shall consist of the agents of the Division of Criminal Investigation of the attorney general's office, the agents of the Division of the Highway Patrol, the state conservation officers, the sheriffs; and deputy sheriffs; ~~and~~

1 ~~constables~~ of the several counties of this state, and the police officers, constables, and marshals  
2 of the several municipalities within the state. Such State Constabulary, and its personnel, when  
3 convoked as hereinafter provided, shall, and is hereby empowered, to perform all of the duties  
4 and they shall have the same powers, now devolving upon the agents of the Division of  
5 Criminal Investigation of the attorney general's office, and in addition thereto shall have such  
6 powers and perform such duties, as may be necessary to preserve and protect the peace, security,  
7 safety, and welfare of the state and the people thereof.